

RESOLUTION NO. 7648

**CITY OF SOUTH GATE
LOS ANGELES COUNTY, CALIFORNIA**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOUTH GATE DETERMINING THAT KEITH HUPP IS INCAPACITATED WITHIN THE MEANING OF THE PUBLIC EMPLOYEES' RETIREMENT LAW AND THAT SUCH DISABILITY IS A RESULT OF INJURY ARISING OUT OF AND IN THE COURSE OF HIS EMPLOYMENT

WHEREAS, the City of South Gate (hereinafter referred to as "Agency") is a contracting Agency of the Public Employees' Retirement System; and

WHEREAS, the Public Employees' Retirement Law requires that a contracting agency determine whether an employee of such agency in which the employee is classified as a local safety member is disabled for purposes of the Public Employees' Retirement Law and whether such disability is "industrial" within the meaning of such law; and

WHEREAS, an application for industrial disability retirement of **KEITH HUPP**, employed by the agency in the position of Police Captain, has been filed with the Public Employees' Retirement System; and

WHEREAS, the Agency has reviewed the medical and other evidence relevant to such alleged disability;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF SOUTH GATE DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The City Council hereby finds and determines that **KEITH HUPP** is incapacitated within the meaning of the Public Employees' Retirement Law for performance of his duties in the position of Police Captain with our Agency and with other California public agencies in CalPERS.

SECTION 2. The City Council finds and determines that such disability is a result of injury arising out of and in course of employment; and further determines that such disability did occur during the performance of those portions of the employee's duties which are particularly hazardous and dangerous.

SECTION 3. **KEITH HUPP** nor the City of South Gate has applied to the Workers' Compensation Appeals Board for a determination pursuant to Section 21166 whether such disability is industrial.

SECTION 4. **KEITH HUPP** separated from his employment in the position of Police Captain after the expiration of his leave rights under Section 21164 Government Code effective December 31, 2014 and that no dispute as to the expiration of such leave rights is pending. His last day of pay status will remain as December 30, 2014.

SECTION 5. There is not a possibility of third party liability present.

SECTION 6. Advance Disability Pension Payments will be made. The payments will be made monthly in the amount of \$6,308 beginning February 1, 2015.

SECTION 7. Per the opinion of Dr. Kharazzi, as contained in his report of December 10, 2014, Mr. **Keith Hupp's** primary disabling condition involving his right shoulder arises out of his employment, and as a result he is substantially incapacitated from the performance of his usual duties as a Police Captain since February 11, 2014. The member is competent to act on his behalf in legally binding retirement matters.

SECTION 8. The member's disabling condition did occur during the performance of those portions of the member's duties which are particularly hazardous and dangerous.

SECTION 9. The City Clerk shall certify to the passage and adoption of this Resolution which shall be effective upon its adoption.

PASSED, APPROVED and ADOPTED this 13th day of January 2015.

CITY OF SOUTH GATE:


Henry C. Gonzalez, Mayor

ATTEST:


Carmen Avalos, City Clerk

(SEAL)

APPROVED AS TO FORM:


Raul F. Salinas, City Attorney

RESOLUTION CERTIFICATION PAGE

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS
CITY OF SOUTH GATE)

I, Carmen Avalos, City Clerk of the City of South Gate, California, hereby certify that the whole number of Members of the City Council of said City is five; that Resolution No. 7648 was adopted by the City Council at their Regular Meeting held on January 13, 2015, by the following vote:

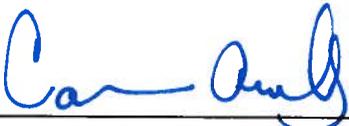
Ayes: Council Members: Gonzalez, Morales, Davila, De Witt and Hurtado

Noes: Council Members: None

Absent: Council Members: None

Abstain: Council Members: None

Witness my hand and the seal of said City on January 22, 2015.



Carmen Avalos, City Clerk
City of South Gate, California